



INTERIOR BOARD OF INDIAN APPEALS

Priscilla Ballente, et al. v. Acting Sacramento Area Director, Bureau of Indian Affairs

32 IBIA 189 (06/02/1998)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

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| PRISCILLA BALLENTÉ, FLORENCE | : Order Docketing and Dismissing |
| RODRIGUEZ, LORRAINE CRUZ, | : Appeal |
| and MARY CABILLO, | : |
| Appellants | : |
| | : |
| v. | : Docket No. IBIA 98-91-A |
| | : |
| ACTING SACRAMENTO AREA DIRECTOR, | : |
| BUREAU OF INDIAN AFFAIRS, | : |
| Appellee | : June 2, 1998 |

Appellants Priscilla Ballente, Florence Rodriguez, Lorraine Cruz, and Mary Cabillo sought review of a March 13, 1998, decision of the Acting Sacramento Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning Appellants' fee-to-trust applications covering Parcel 8 on the Big Valley Rancheria (APN 044-422-04). The Area Director's decision held that BIA must follow the procedures set forth in 25 C.F.R. Part 151 in deciding whether or not to approve the applications. The Area Director remanded the matter to the Superintendent, Central California Agency, BIA (Superintendent), with instructions to issue a decision under Part 151 within 10 working days of receipt of a title opinion from the Department's Office of the Solicitor.

Appellants appealed this decision to the Board. On April 17, 1998, the Board authorized the Superintendent to continue to address these applications under Part 151 during the pendency of this appeal.

The Board received a copy of a May 15, 1998, Notice of Proposed Decision signed by the Superintendent. The Superintendent stated that he proposed to accept the grant deeds conveying the property to the United States in trust for Appellants.

On May 22, 1998, the Board received a filing from Appellants entitled "Voluntary Dismissal of Appeal without Prejudice." Appellants state that they wish to have this appeal dismissed without prejudice on the basis of the Notice of Proposed Decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Acting Sacramento Area Director's March 13, 1998, decision is docketed and dismissed without prejudice.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge